



Order Filed on May 1, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

CHRISTOPHER M. McMONAGLE, ESQUIRE  
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(COUNSEL FOR MOVANT)

In Re:  
Robert A. DiPaolo  
Debtor

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Wilmington Savings Fund Society, FSB, d/b/a  
Christiana Trust, not in its Individual Capacity  
but Solely as Trustee for Brougham Fund I Trust  
Movant

v.  
Robert A. DiPaolo  
Debtor  
Joann DiPaolo  
Non-Filing Co-Debtor

Case Number: 16-11321-CMG

Chapter 13

Judge: Christine M. Gravelle

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTLING THE MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is  
hereby **ORDERED**.

**DATED: May 1, 2020**

  
\_\_\_\_\_  
Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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Debtor: Robert A. DiPaolo

Case Number: 16-11321-CMG

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

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Upon the Certification of Default (Doc 73) based upon the entry of the Order (Doc 69) settling the Motion for Relief (Doc 63) from the automatic stay under Bankruptcy Code (section 362(d)) as to certain property, 40 Pulawski Ave, South River, NJ 08882 (“Property”), of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust (Movant) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, and for cause shown, it is hereby ORDERED and DECREED as follows:

1. As of April 7, 2020, Robert A. DiPaolo (“Debtor”) acknowledges to be due for the following:
  - a. Regular Post-Petition Monthly payments (\$1,317.48/mo): \$10,539.84  
(09/01/2019 – 04/01/2020)
  - b. Motion for Relief Attorney Fees ..... \$531.00
  - c. Post-petition suspense balance:..... (\$802.57)
  - d. Attorney Fees: ..... \$275.00
  - e. Total arrears as of date of Order: ..... \$10,543.27
2. Debtor shall cure the Arrears as set forth above by paying
  - a. \$4,000.00 lump sum to Movant by April 30, 2020
  - b. *1/9* of the remaining Arrears (\$6,543.27) per month (\$727.03/month) for the next *nine (9)* months together with the regular monthly mortgage payment (currently \$1,317.48/month) for a total monthly payment of \$2,044.51 for the next *nine (9)* months beginning in May 2020. In the event the regular monthly payment changes for any reason, then the amount due pursuant to paragraph 2 shall be adjusted accordingly. Thereafter, Debtor agrees to continue making the regular monthly mortgage payment.
3. Payments due in accordance with this Order shall be due on or before the 1<sup>st</sup> day of each month.
4. Debtor shall make the regular monthly payments required to the Trustee.
5. All payments due to the Movant from the Debtor are to be made directly to BSI Financial Services, Inc. and making sure that Movant’s loan number appears on all payments.
6. Further, Debtor shall maintain homeowner’s insurance on the Property and provide timely proof thereof to Movant. Movant shall be listed as Mortgagee on the policy so that Movant receives renewal notices.
7. In the event that Movant alleges that Debtor has failed to comply with obligations under paragraph two (2) through six (6) of this Stipulation, Movant and/or Counsel may give Debtor and Debtor's counsel notice of the default and if such default is not cured within fourteen (14) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor's counsel, the Court may grant Movant immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit “A”. Debtor shall pay for each notice of default issued by Movant as a result of the Debtor's failure to comply with this Stipulation.

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Debtor: Robert A. DiPaolo

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8. The failure by the Movant, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Movant's rights hereunder.
9. Upon issuance of the aforesaid Order, the parties hereto further agree that Movant may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
10. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Movant, through Counsel, may file a certification setting forth said failure and the Movant shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A".



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PATRICK MOSCATELLO, ESQUIRE  
COUNSEL FOR DEBTOR

/s/ Christopher M. McMonagle

CHRISTOPHER M. MCMONAGLE, ESQUIRE  
STERN & EISENBERG, PC  
ATTORNEY FOR MOVANT

EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
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Case Number: 16-11321-CMG

Chapter 13

Judge: Christine M. Gravelle

ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING  
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION

Upon Motion of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its Individual Capacity but Solely as Trustee for Brougham Fund I Trust (Movant) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362 to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 40 Pulawski Ave, South River, NJ 08882 ("Property")

It is further ORDERED and DECREED that the 14-day stay pursuant to BKRP 4001(a)(3) is hereby waived.